

# ***South Carolina Air Quality Implementation Plan Revision***

## **Demonstration of South Carolina's Satisfaction of the Requirements of Clean Air Act Section 110(a)(2)(D)(i)**

**Prepared by:**



**South Carolina Department of Health and Environmental Control  
Bureau of Air Quality**

**June 19, 2007**

## **Amendment to the *South Carolina Air Quality Implementation Plan (SIP)***

### **Interstate Transport of Pollutants**

#### **BACKGROUND:**

The South Carolina Department of Health and Environmental Control (Department) is amending the South Carolina Air Quality Implementation Plan (SIP) by incorporating into it a demonstration of the Department's satisfaction of the requirements of Sections 110(a)(1) and 110(a)(2) of the Clean Air Act (CAA), as amended (42 U.S.C. 7401, *et seq.*).

On July 18, 1997, the United States Environmental Protection Agency (EPA) promulgated National Ambient Air Quality Standards (NAAQS) for ozone and for fine particles (PM<sub>2.5</sub>). Section 110(a)(1) of the Clean Air Act (CAA) requires states to submit a new SIP to provide for the implementation, maintenance, and enforcement of new or revised NAAQS within three years after the promulgation of the new or revised NAAQS. Section 110(a)(2) explains what the new SIP must contain. The SIP for new or revised NAAQS must contain adequate provisions to address interstate transport of pollution, pursuant to Section 110(a)(2)(D)(i). States should have submitted SIPs to the EPA for the 8-hour ozone NAAQS and the PM<sub>2.5</sub> NAAQS no later than July 2000. However, litigation over both of the standards created substantial uncertainty among the states and EPA as to how to proceed. Also, regarding PM<sub>2.5</sub>, additional time was needed for the creation of a monitoring network, collection of at least three years of data, and analysis of those data.

On April 25, 2005, EPA published an action in the *Federal Register* [70 FR 21147] making a finding that states had failed to make the statutorily-required SIP submissions for the 8-hour ozone and PM<sub>2.5</sub> NAAQS. The EPA limited this finding of failure to submit to the requirements of 110(a)(2)(D)(i) pertaining to interstate transport. This finding started a 24-month clock, as of May 25, 2005, for EPA to issue a final Federal Implementation Plan (FIP) to meet the requirements of Section 110(a)(2)(D)(i) for both 8-hour ozone and PM<sub>2.5</sub> unless the EPA approves a SIP to meet those requirements.

#### **CRITERIA TO BE MET:**

On August 11, 2006, EPA issued a guidance document regarding 110(a)(2)(D)(i) SIP submissions. This guidance document discussed four specific "prongs" of criteria that must be met by states. States are required to submit a SIP that contains adequate provisions prohibiting any source or other type of emissions activity within the State from emitting any air pollutants in amounts that will:

1. Contribute significantly to nonattainment of NAAQS for areas in another State. **(Prong 1)**
2. Interfere with maintenance of NAAQS by any other State. **(Prong 2)**

3. Interfere with measures required to meet the implementation plan for any other State related to Prevention of Significant Deterioration (PSD). **(Prong 3)**
4. Interfere with measures required to meet the implementation plan for any other State related to Regional Haze and Visibility. **(Prong 4)**

SATISFACTION OF PLAN CRITERIA:

With this document, the Department hereby declares its intent to amend its SIP by adopting the following plan for meeting the 110(a)(2)(D)(i) requirements:

*The implementation of South Carolina's Clean Air Interstate Rule (CAIR), expected in the summer of 2007, will satisfy the requirements pertaining to **Prongs 1 and 2**. South Carolina State Regulation 61-62.5, Standard No. 7, Prevention of Significant Deterioration, and South Carolina State Regulation 61-62.5, Standard No. 7.1, Nonattainment New Source Review, both of which provide for a preconstruction review and permitting program for major sources of air pollutants, will satisfy a portion of **Prong 3**. The Department will satisfy the remainder of **Prong 3** through its completion of a SIP submission adopting the requirements of the Phase II ozone implementation rule for the York County, South Carolina portion of the Charlotte-Gastonia-Rock Hill, NC-SC nonattainment area (submitted for EPA approval on June 8, 2007.) Although at this time the Department cannot make a determination regarding regional haze, it proposes to satisfy **Prong 4** through its Regional Haze Implementation Plan, which is currently being developed in consultation with other states, Federal Land Managers, and regional planning organizations. The Regional Haze Implementation Plan for South Carolina is on track for submission to EPA on or before the December 17, 2007, deadline.*

In accordance with 40 CFR Part 51, Subpart F, a notice of public hearing and solicitation for comments regarding the amendment to the South Carolina SIP was published in the *South Carolina State Register* on April 27, 2007. Additionally, a public hearing on this matter was held by the Department on May 30, 2007. Notice of the comment period/public hearing was also provided on the Department's website at: <http://www.scdhec.gov/administration/regs/docs/NoticeAirSIPRev.doc>. No comments were received.

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**  
**PUBLIC NOTICE**  
**NOTICE TO AMEND AIR QUALITY STATE IMPLEMENTATION PLAN**

Statutory Authority: S.C. Code Section 48-1-10, *et seq.*

The Department is proposing to amend the State Implementation Plan (SIP) to meet obligations of the United States Environmental Protection Agency (EPA). Interested persons are invited to present their views in writing to Stacey R. Gardner, Regulatory Development Section, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201. To be considered, comments must be received by May 30, 2007, the close of the drafting comment period. The Department is also conducting a public hearing on this issue. The hearing will be held on May 30, 2007, at 10:00 am in room 2380 of the Aycock Building, 2600 Bull Street, Columbia, South Carolina. The public is invited to attend.

**Synopsis:**

On July 18, 1997, EPA promulgated National Ambient Air Quality Standards (NAAQS) for ozone and for fine particulate matter (PM<sub>2.5</sub>). Section 110(a)(1) of the Clean Air Act (CAA) requires states to submit a new SIP to provide for the implementation, maintenance, and enforcement of new or revised NAAQS within three years after the promulgation of the new or revised NAAQS. Section 110(a)(2) explains what the new SIP must contain. The SIP for new or revised NAAQS must contain adequate provisions to address interstate transport of pollution, pursuant to section 110(a)(2)(D)(i).

States should have submitted SIPs to EPA for the 8-hour ozone NAAQS and the PM<sub>2.5</sub> NAAQS by no later than July 2000. However, litigation over both of the standards created substantial uncertainty among the states and EPA as to how to proceed. Also, regarding PM<sub>2.5</sub>, additional time was needed for creation of a monitoring network, collection of at least three years of data, and the analysis of those data.

On April 25, 2005, EPA published an action in the *Federal Register* [70 FR 21147] making a finding that states had failed to make the statutorily required SIP submissions for the 8-hour ozone and PM<sub>2.5</sub> NAAQS. The EPA limited this finding of failure to submit to the requirements of section 110(a)(2)(D)(i) pertaining to interstate transport. This finding started a 24-month clock, as of May 25, 2005, for EPA to issue a final Federal Implementation Plan (FIP) to meet the requirements of section 110(a)(2)(D)(i) for both 8-hour ozone and PM<sub>2.5</sub> unless the EPA approves a SIP to meet those requirements. Although South Carolina will not meet the May 25, 2007, SIP submission deadline due to our lengthy development process, EPA is working with the State to assist in the approval of the SIP.

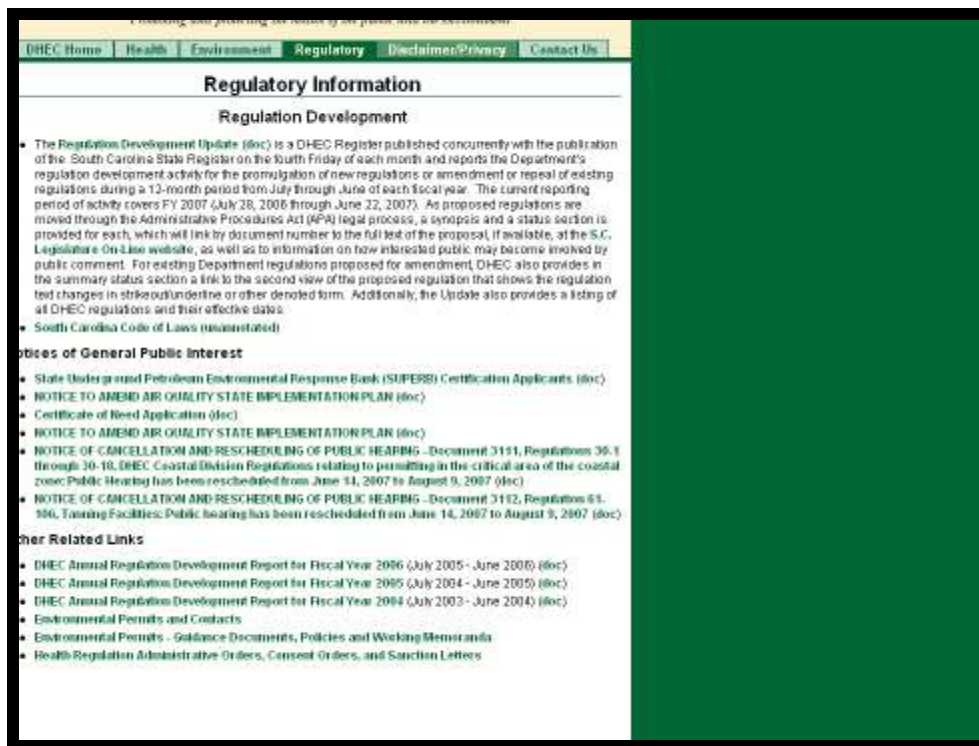
The implementation of South Carolina's Clean Air Interstate Rule (CAIR), expected in the summer of 2007, will satisfy requirements pertaining to significant contribution to nonattainment and interference with maintenance of the 8-hour ozone standard in other downwind States. The additional SIP noticed today will address the Department's outstanding obligations for satisfying the requirement that the State must have a preconstruction review program for major sources and that the

State must develop a SIP to protect visibility. This SIP will include acknowledgements that the State has in place a preconstruction review program for 8-hour ozone and PM<sub>2.5</sub> containing prevention of significant deterioration and non-attainment new source review provisions. It also will state that South Carolina is on track to meet the required SIP submission adopting the Phase II ozone implementation rule for the York County, SC portion of the Charlotte-Gastonia-Rock Hill, NC-SC nonattainment area. A SIP for protecting visibility is being developed and should be submitted to the EPA prior to the December 17, 2007, deadline.

The Department proposes to amend the SIP to address the requirements of section 110(a)(2)(D)(i) as stated above.

## Copy of Notice of Proposed SIP Amendment Posted on Agency Website

### I. Screenshot of Department's Website - Link to Notice is the fourth selection under the Notices of General Public Interest.



### II. Link to Notice and Notice Text

<http://www.scdhec.gov/administration/regs/docs/NoticeAirSIPRev.doc>

**Note:** This Notice was published in the *S.C. State Register* on April 27, 2007:

#### **DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL PUBLIC NOTICE NOTICE TO AMEND AIR QUALITY STATE IMPLEMENTATION PLAN**

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2007, the close of the drafting comment period. The Department is also conducting a public hearing on this issue. The hearing will be held on May 30, 2007, at 10:00 am in room 2380 of the Aycock Building, 2600 Bull Street, Columbia, South Carolina. The public is invited to attend.

#### Synopsis:

On July 18, 1997, EPA promulgated National Ambient Air Quality Standards (NAAQS) for ozone and for fine particulate matter (PM<sub>2.5</sub>). Section 110(a)(1) of the Clean Air Act (CAA) requires states to submit a new SIP to provide for the implementation, maintenance, and enforcement of new or revised NAAQS within three years after the promulgation of the new or revised NAAQS. Section 110(a)(2) explains what the new SIP must contain. The SIP for new or revised NAAQS must contain adequate provisions to address interstate transport of pollution, pursuant to section 110(a)(2)(D)(i).

States should have submitted SIPs to EPA for the 8-hour ozone NAAQS and the PM<sub>2.5</sub> NAAQS by no later than July 2000. However, litigation over both of the standards created substantial uncertainty among the states and EPA as to how to proceed. Also, regarding PM<sub>2.5</sub>, additional time was needed for creation of a monitoring network, collection of at least three years of data, and the analysis of those data.

On April 25, 2005, EPA published an action in the *Federal Register* [70 FR 21147] making a finding that states had failed to make the statutorily required SIP submissions for the 8-hour ozone and PM<sub>2.5</sub> NAAQS. The EPA limited this finding of failure to submit to the requirements of section 110(a)(2)(D)(i) pertaining to interstate transport. This finding started a 24-month clock, as of May 25, 2005, for EPA to issue a final Federal Implementation Plan (FIP) to meet the requirements of section 110(a)(2)(D)(i) for both 8-hour ozone and PM<sub>2.5</sub> unless the EPA approves a SIP to meet those requirements. Although South Carolina will not meet the May 25, 2007, SIP submission deadline due to our lengthy development process, EPA is working with the State to assist in the approval of the SIP.

The implementation of South Carolina's Clean Air Interstate Rule (CAIR), expected in the summer of 2007, will satisfy requirements pertaining to significant contribution to nonattainment and interference with maintenance of the 8-hour ozone standard in other downwind States. The additional SIP noticed today will address the Department's outstanding obligations for satisfying the requirement that the State must have a preconstruction review program for major sources and that the State must develop a SIP to protect visibility. This SIP will include acknowledgements that the State has in place a preconstruction review program for 8-hour ozone and PM<sub>2.5</sub> containing prevention of significant deterioration and non-attainment new source review provisions. It also will state that South Carolina is on track to meet the required SIP submission adopting the Phase II ozone implementation rule for the York County, SC portion of the Charlotte-Gastonia-Rock Hill, NC-SC nonattainment area. A SIP for protecting visibility is being developed and should be submitted to the EPA prior to the December 17, 2007, deadline.

The Department proposes to amend the SIP to address the requirements of section 110(a)(2)(D)(i) as stated above.

DEPARTMENT OF HEALTH AND  
ENVIRONMENTAL CONTROL

SELF-CONDUCTED PUBLIC HEARING

PROPOSED AMENDMENTS TO THE SOUTH CAROLINA  
AIR QUALITY IMPLEMENTATION PLAN (SIP)  
INTERSTATE TRANSPORT OF POLLUTANTS

 **ORIGINAL**

DATE: Wednesday, May 30, 2007

TIME: 10:00 a.m.

LOCATION: Department of Health and  
Environmental Control  
2600 Bull Street  
Columbia, South Carolina

REPORTED BY: EILEEN CROSS  
Court Reporter

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1 MS. GARDNER: Good morning. I'm Stacey  
2 Gardner from the Bureau of Air Quality of the  
3 South Carolina Department of Health and  
4 Environmental Control, the Department, and I will  
5 be the facilitator for this public hearing. Let  
6 the record show that this forum was convened at 10  
7 a.m. on Wednesday, May 30, 2007. Public notice of  
8 this forum was published in the Notices section of  
9 the State Register on April 27, 2007. Unless I  
10 hear an objection, a copy of this notice will be  
11 entered into the record as though it was read.

12 Is there any objection?

13 The purpose of this forum is to answer  
14 questions, clarify issues and receive input from  
15 interested persons on the methods by which the  
16 Department, through revisions to its State  
17 Implementation Plan or SIP, intends to meet the  
18 requirements of Section 110(a), specifically  
19 110(a)(2)(D)(i) of the Clean Air Act. Department  
20 staff shall consider any comments received today  
21 in formulating the final SIP document to be  
22 submitted to the U.S. EPA for approval and to be  
23 published as final in the Notices section of an  
24 upcoming edition of the State Register.

25 The Department welcomes your input and

[www.compuscriptsinc.com](http://www.compuscriptsinc.com)

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1 assistance in perfecting the proposed SIP  
2 amendment.

3 If there are any written comments please  
4 submit them to me at this time for the record.  
5 Please let the record show that no written  
6 comments were received.

7 I will now present a brief summary and  
8 explanation of the proposed SIP amendment.  
9 Following this presentation, any member of the  
10 audience desiring to make comments will be given  
11 an opportunity to do so. If there are any  
12 questions after the presentation, please direct  
13 them to me and I will either respond or ask the  
14 appropriate person to answer. If no one is  
15 available to answer the question today, an answer  
16 will be provided at a later date.

17 The Clean Air Act requires states to  
18 submit section 110 SIP's no later than three years  
19 after promulgation of new or revised National  
20 Ambient Air Quality Standards or NAAQS. States  
21 were required to submit Clean Air Section 110 SIPs  
22 for the ozone and particulate matter, specifically  
23 PM 2.5 NAAQS, promulgated in July 1997, no later  
24 than July 2000. Although states did not submit  
25 their section 110 SIPs by the July 2000 date, the

1 EPA did not issue findings of failure to submit  
2 actions.

3 Earth Justice, an environmental interest  
4 group, submitted a notice of intent to sue the EPA  
5 on March 16, 2004, as the EPA had not issued a  
6 finding of failure to submit to states on the  
7 Section 110 SIP requirements. On March 10, 2005,  
8 the EPA entered into a consent decree with Earth  
9 Justice to issue findings of failure to submit  
10 Section 110(a)(2)(D)(i) interstate transport SIP  
11 requirements. The consent decree also calls for  
12 the submission of the remaining requirements under  
13 Section 110(a)(2) by December 2007 for ozone and  
14 by October 2008 for PM 2.5.

15 The EPA published the finding of failure  
16 to submit in the Federal Register on April 25,  
17 2005, which can be found in 70 FR 21147, with an  
18 effective date of May 25, 2005. The Federal  
19 Register notice started a two year clock, which  
20 ended on May 25, 2007, for the EPA to issue a  
21 Federal Implementation Plan or FIP to address the  
22 transport requirements called for under Section  
23 110(a)(2)(D)(i) if states fail to submit their  
24 SIPs.

25 There are four prongs that a state must

1 address to satisfy the Section 110(a)(2)(D)(i) SIP  
2 requirement. A state must submit a SIP that  
3 contains adequate provisions prohibiting any  
4 source or other type of emissions activity within  
5 a state from emitting any air pollutants in an  
6 amount that will: Contribute significantly to the  
7 nonattainment of ozone or PM 2.5 NAAQS for areas  
8 in another state, which is known as Prong 1;  
9 interfere with the maintenance of ozone or PM 2.5  
10 NAAQS by any other state, which is known as Prong  
11 2; interfere with measures required to meet an  
12 implementation plan for any other state related to  
13 Prevention of Significant Deterioration or PSD,  
14 which is also known as Prong 3; interfere with  
15 measures required for meeting the implementation  
16 plan for any other state related to Regional Haze  
17 and Visibility, which is known as Prong 4.

18 On August 11, 2006, the EPA issued a  
19 guidance document indicating the methods by which  
20 states could adequately address the four-pronged  
21 set of criteria. In the document, the EPA  
22 indicated that states participating in the Clean  
23 Air Interstate Rule or CAIR, cap-and-trade  
24 program, would satisfy Prongs 1 and 2. South  
25 Carolina is a CAIR-participating state, and our

1 state CAIR regulations are set to be finalized in  
2 the upcoming month. The CAIR requires affected  
3 states to reduce emissions of sulfur dioxide and  
4 nitrogen oxides to prevent the formation of or  
5 contribution to ozone and PM 2.5 nonattainment  
6 areas in downwind states.

7 South Carolina currently does and will  
8 continue to satisfy a portion of Prong 3, in that  
9 we have adopted South Carolina State Regulation  
10 R61-62.5, Standard No. 7, Prevention of  
11 Significant Deterioration, and South Carolina  
12 Regulation R61-62.5, Standard No. 7.1,  
13 Nonattainment New Source Review, both of which  
14 establish a preconstruction review and permitting  
15 process for all major sources of air pollutants.  
16 South Carolina will satisfy the remainder of Prong  
17 3 through its ozone attainment SIP for Rock Hill,  
18 Fort Mill, Charlotte, North Carolina/South  
19 Carolina or Metrolina 8-hour ozone nonattainment  
20 area. Although the deadline for submission of  
21 this SIP is June 15, 2007, South Carolina's  
22 development process will not allow for the public  
23 hearing and final submission to EPA to occur until  
24 June 25, 2007. EPA is aware of this timeline.

25 Although at this time the Department

1 cannot make a determination regarding regional  
2 haze, it proposes to satisfy Prong 4 through its  
3 Regional Haze Implementation Plan, which is  
4 currently being developed in consultation with  
5 other states, federal land managers and regional  
6 planning organizations. The Regional Haze  
7 Implementation Plan for South Carolina is on track  
8 for submission to EPA on or before the December  
9 17, 2007 deadline.

10 The EPA established May 25, 2007 as the  
11 date by which states must submit their SIPs under  
12 Section 110(a)(2)(D)(i). Although South Carolina  
13 has not yet submitted its SIP to the EPA, the  
14 Department has informed the EPA that our SIP will  
15 not be submitted to them by the established  
16 deadline. The EPA, however, has not finalized a  
17 Federal Implementation Plan for states not meeting  
18 the deadline. The EPA is aware that the  
19 Department intends to submit its 110(a)(2)(D)(i)  
20 for processing on June 25, 2007.

21 At this time I would like to provide an  
22 opportunity for other hearing attendants to  
23 comment on the proposed SIP amendment.

24 Is there anyone present that would like  
25 to provide comments? Please let the record show

1 that no one provided comments. Thank you.

2 I would like to inform you that all  
3 comments provided today will be entered into the  
4 official transcript of this public hearing.  
5 Additionally, comments deemed significant by the  
6 Department may be used to modify the SIP as  
7 necessary. The final SIP will be published in the  
8 State Register on June 25, 2007, at which time the  
9 Department will submit the SIP as final to EPA.

10 There being no further comments, this  
11 forum is adjourned. Thank you for your attendance  
12 and participation today.

13 (The hearing adjourned at 10:09 a.m.)

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## 1 CERTIFICATE OF REPORTER


2  
3 I, Eileen Cross, Court Reporter and Notary  
4 Public for the State of South Carolina at Large,  
do hereby certify:

5 That the foregoing hearing was taken before  
6 me on the date and at the time and location stated  
7 on Page 1 of this transcript; that all statements  
8 made on the record at the time of the hearing were  
9 recorded stenographically by me and were  
thereafter transcribed; that the foregoing hearing  
as typed is a true, accurate and complete record  
of the meeting to the best of my ability.

10 I further certify that I am neither related  
11 to nor counsel for any party to the cause pending  
or interested in the events thereof.

12 Witness my hand, I have hereunto affixed my  
13 official seal this 6th day of June 2007, at  
Columbia, Richland County, South Carolina.

14  
15 Eileen Cross  
16 Eileen Cross  
17 Notary Public  
18 State of South Carolina  
at Large.  
My Commission expires  
December 17, 2009.  
19  
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**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**  
**Public Hearing**  
**Declaration of Intent to Satisfy Requirements of 110(a) of the Clean Air Act**  
**May 30, 2007, Room 2380**  
**Sims/Aycock Building, 2600 Bull Street**  
**Columbia, SC**

Synopsis: The Department will make a declaration of its intent to satisfy the requirements of Section 110(a)(2)(D)(i) of Clean Air Act, which addresses interstate transport of pollution.

Name	Representing/Address	Telephone	E-mail
Stacey Gardier	SCDHEC 2600 Bull St., Col., SC	(803) 898-4287	gardner@dhcc.sc.gov
ELLEN CROSS	Computerscripts, Inc. Court Reporter	988-0086	
Robert Brown	SCDHEC	803-898-4105	brownrj@dhcc.sc.gov
Tony Lofton	SCDHEC - BAQ	803 898-7217	loftonat@dhcc.sc.gov

## 2 NOTICES

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL PUBLIC NOTICE NOTICE TO AMEND AIR QUALITY STATE IMPLEMENTATION PLAN

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The Department proposes to amend the SIP to address the requirements of section 110(a)(2)(D)(i) as stated above.

## LEGAL AUTHORITY<sup>1</sup>

No plan for attaining a goal, the attainment of which is dependent upon regulatory action, can be used with any degree of effectiveness unless the legal framework is strong. Consequently, the Requirements for Preparation, Adoption, and Submittal of Implementation Plans, 40 CFR 51, as amended, define the necessary statutory powers which must be immediately available to states to carry out the responsibility to the Clean Air Act.

40 CFR 51.230 sets forth six specific requirements for State authority. The South Carolina Pollution Control Act, Act 1157 of 1970, as amended, S. C. Code Sections 48-1-10 thru - 350 (1976), provides the State's authority to respond to these requirements. The Attorney General of the State of South Carolina has given an opinion as to the adequacy of South Carolina laws, as follows:

Legal Authority Required 40 CFR 51	Adequacy of S. C. Law	S. C. Statutes Involved
(a) "Adopt emission standards and limitations and any other measures necessary for attainment and maintenance of national standards."	Adequate	S. C. Code Secs. 48-1-20, 48-1-50(23)
(b) "Enforce applicable laws, regulations, & standards, and seek injunctive relief."	Adequate	S. C. Code Sec. 48-1-50(1), (3), (4), (5), (11); Secs. 48-1-120, 48-1-130, 48-1-210, 48-1-320, 48-1-330.
(c) "Abate pollutant emissions on an emergency basis to prevent substantial endangerment to the health of persons, i.e., authority comparable to that available to the Administrator under section 305 of the Act."	Adequate	S. C. Code Sec. 48-1-290.
(d) "Prevent construction, modification, or operation of a facility, building, structure, or installation, or combination thereof, which directly or indirectly results or may result in emissions of any air pollutant at any location which will prevent the attainment or maintenance of a national standard."	Adequate	S. C. Code Sec. 48-1-50(5), (10); Secs. 48-1-100, 48-1-110.
(e) "Obtain Information necessary to determine whether air pollution sources are in compliance with applicable laws, regulations, and standards, Including authority to require recordkeeping and to make inspections and conduct tests of air pollution sources."	Adequate	S. C. Code Sec. 48-1-50(10), (20), (22), (24).

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<sup>1</sup> Section 2 of the EPA-approved South Carolina Air Quality Implementation Plan (SIP), which defines the State's statutory powers as required in 40 CFR 51.230.

Legal Authority Required 40 CFR 51	Adequacy of S. C. Law	S. C. Statutes Involved
(f) "Require owners or operators of stationary sources to install, maintain, and use emission monitoring devices and to make periodic reports to the State on the nature and amounts of emissions from such stationary sources; also authority for the State to make such data available to the public as reported and as correlated with any applicable emission standards or limitations."	Adequate	S. C. Code Secs. 48-1-50(22), 48-1-270.

### **Public Hearings**

The South Carolina Pollution Control Act provides for notice and public hearings prior to action by the Board of Health and Environmental Control concerning adoption of regulations and standards, adoption or modification of final compliance dates, and other specified legal actions.

Additionally, Act 176 of 1977 enacted by the South Carolina General Assembly requires, among other things, that at least thirty days public notice be given before adoption, amendment or repeal of any rule. It also requires that the substance of the intended action or a description of the subjects and issues involved be made known. While this act escapes the actual requirement for a public hearing in each case, the two Acts taken together do impose the requirement of a thirty days notice of public hearing, assuring compliance with the requirements of 40 CFR 51.102 as amended.

### **Public Availability of Information**

The South Carolina Pollution Control Act provides for the public availability of any records, report or information obtained under the provisions of the Act. However, upon a showing satisfactory to the Department that records, reports or information, other than effluent or emission data, if made public would divulge methods or processes entitled to protection as trade secrets of the source, the Department shall consider such data confidential.

All source data are kept on file at the offices of the Bureau of Air Quality Control, Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina, and are available to the public at this location, Monday through Friday, between the hours of 8:30 a.m. and 5:00 p.m. Such data are retained in the Permit, Source Test, and Emission Inventory Files.

The files contain information as to the source emissions, and these emissions are depicted in comparison to the applicable emission standards or limitations as stated in the Air Pollution Control Regulations and Standards for the State of South Carolina.